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Congress of the United States
House of Representatives

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October 4, 2018

The Honorable Ajit Pai
Chairman Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Dear Chairman Pai:

I write to you in support of the Federal Communications Commission's (FCC) recent efforts to crack down on illegal robocalls, enforce a safer and more workable environment for consumers, and seek feedback on key outstanding Telephone Consumer Protection Act (TCPA) issues following the D.C. Circuit ruling that overturned portions of a past overly broad FCC interpretation.

The FCC's past interpretations of the TCPA have resulted in uncertainty about how those calling in good faith can comply with FCC regulations, making it more difficult for consumers to receive the communications they want and need and for legitimate business to understand compliance standards. The legal uncertainty surrounding how consumers receive calls and texts leads to increasing class action litigation that does little to help consumers. The FCC must make it more workable for legitimate businesses to stay in communication with consumers in a timely and effective manner, while continuing its fight to eliminate illegal and fraudulent calls and texts.

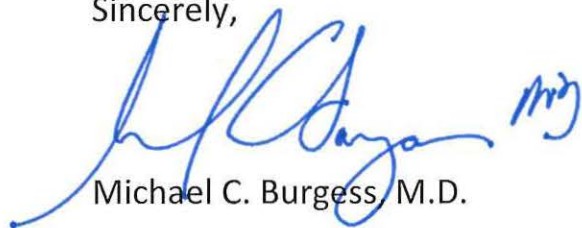
The D.C. Circuit's recent opinion in *ACA International v. FCC* set aside the FCC's overly broad interpretation of what devices qualify as an automatic telephone dialing system (ATDS) as well as the FCC's 2015 approach to the problem of reassigned numbers, including a presumption that a caller will know a number is

reassigned after one attempted call, even if that attempted call is not answered. I urge the FCC to take quick action to clarify these important issues under the TCPA.

It is imperative that the FCC develop an updated TCPA framework that both protects consumers while maintaining the ability of good faith callers to contact customers. This should be consistent with Congressional direction in the 1991 TCPA and reflect emerging technologies that are helping consumers manage calls. The TCPA was not intended to be a barrier to normal communications between businesses and their customers. Under this approach, the FCC should find that only calls made using actual, not theoretical, ATDS capabilities are subject to the TCPA's restrictions.

It is now appropriate for the FCC to clarify and modernize the TCPA and its rules to reflect today's consumer environment. Clear rules will allow the FCC to punish illegal actors, while allowing legitimate businesses calling in good faith to remain in compliance – both positive steps for consumers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Burgess", with a small "MB" monogram to the right.

Michael C. Burgess, M.D.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 29, 2018

The Honorable Michael C. Burgess
U.S. House of Representatives
2336 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Burgess:

Thank you for your letter in support of the FCC's recent efforts to crack down on abusive and illegal robocalls. Unwanted robocalls are consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls a top consumer protection priority. We have aggressively enforced the Telephone Consumer Protection Act (TCPA) as well as the Truth in Caller ID Act—leveling over \$200 million in proposed fines against illegal robocallers. We have authorized carriers to stop certain robocalls at the source while we pursue creation of a reassigned numbers database and a robust call-authentication framework. And we have been working with our colleagues at the Federal Trade Commission as well, hosting a policy forum in March and a tech expo in April.

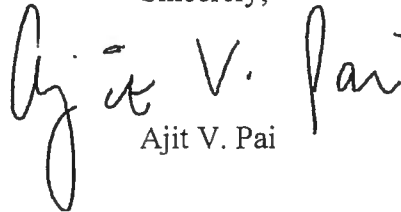
In your letter, you urge the Commission to take action to clarify important issues under the TCPA. I agree that, in light of the decision of the U.S. Court of Appeals for the District of Columbia in *ACA International v. FCC*—which struck down much of the agency's 2015 *TCPA Declaratory Ruling and Order*—it is time for the Commission to establish robust consumer protections in line with federal law. As I predicted in my dissent, the last Administration's order has left both the American customer and American enterprise worse off. This cannot possibly be what Congress intended.

The Commission is now poised to examine and reconsider these issues. On May 14, 2018, the Commission sought comment on the definition of an "automatic telephone dialing system," the treatment of calls to reassigned wireless numbers, and the scope of a consumer's right to revoke prior express consent to receive robocalls. We also sought renewed comment on reconsidering the *Broadnet* decision and the 2016 *Federal Debt Collection Rules*, as well as the interplay between the *Broadnet* decision and the Budget Act amendments. The comment and reply period closed on June 28, 2018, and Commission staff is now reviewing the record. We will be sure to include your comments in the record of the proceeding and take them into account as we move forward.

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I look forward to working with my colleagues on addressing these issues while continuing our many other efforts to combat illegal robocalls. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive, flowing style. The first name "Ajit" is written with a large, looped 'A' and a small 'j'. The middle initial "V." is written with a simple 'V' followed by a period. The last name "Pai" is written with a large, looped 'P' and a small 'i'.

Ajit V. Pai